

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREGORY MANGO,

Plaintiff,

- against –

BUZZFEED, INC.

Defendant.

1:17-cv-06784 (VM-KNF)

**2D DECLARATION OF
JAMES H. FREEMAN**

JAMES H. FREEMAN, under the penalty of perjury, declares:

1. I am lead counsel for the plaintiff Gregory Mango (“Plaintiff”) and senior counsel at Liebowitz Law Firm, PLLC (the “Firm”).

2. I am over the age of 18 years old, competent to testify and a member in good standing of the New York State Bar. I am admitted to practice before this Court and have personal knowledge of the facts stated herein.

3. I submit this second declaration in further support of Plaintiff’s application for fees and costs.

4. Contrary to Defendant’s assertions, my reconstructed time entries are, in fact, based solely on contemporaneous records kept in short-hand form. For the Court’s convenience, in preparing this application, I used the Court docket, internal files and calendars in order to provide concise *descriptions* of the actual hours billed. I did not use the Court docket, internal files and calendars to “guestimate” my time *ex post facto*.

5. At the time of trial in August 2018, I had only been working in Valley Stream, NY for about 13 months. I was not admitted to practice in E.D.N.Y. until July 2017. For my

prior 16-plus years of practice, I worked exclusively in Manhattan. I have been admitted in the Southern District of New York since 2001.

6. Attached as Exhibit A are true and correct copies of screenshots from Pacer.gov showing that 78% of my cases since joining the Liebowitz Law Firm have been litigated in the Southern District of New York.

7. Attached as Exhibit B is a chart which illustrates the results of copyright cases in this District where the damages recovery was moderate (under \$25,000).

8. Attached as Exhibit C are true and correct copies of attorney time entries from the matter of *Crown Awards, Inc. v. Discount Trophy & Co., Inc.*, 564 F.Supp.2d 290 (S.D.N.Y. 2008), *aff'd*, 326 Fed.Appx. 575 (2d Cir. Apr. 21, 2009).

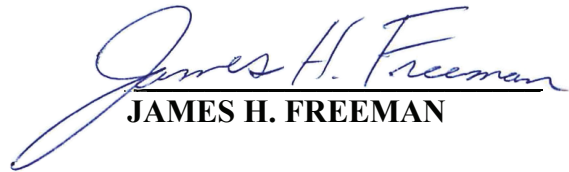
9. Attached as Exhibit D are true and correct copies of attorney time entries from the matter of *Harrell v. Van Der Plas*, No. 08-cv- 8252 (GEL), 2009 WL 3756327, *4 (S.D.N.Y. Nov. 9, 2009).

10. Attached as Exhibit E are true and correct copies of attorney time entries from the matter of *FameFlynet v. Shoshanna Collection, LLC*, No. 16-cv-7645 (RWS), 2018 WL 671267, at *3 (S.D.N.Y. Feb. 1, 2018).

11. Attached as Exhibit F are true and correct copies of attorney time entries from the matter of *Barcroft Media, Ltd. v. Coed Media Grp., LLC*, No. 16-CV-7634 (JMF), 2018 WL 357298, at *3 (S.D.N.Y. Jan. 10, 2018).

12. Attached as Exhibit G is a true and correct copy of Defendant's Rule 68 Offer of Judgment for \$2,500 and plea for a \$750 maximum award.

Dated: Valley Stream, New York
Executed this 22nd Day of February, 2019


JAMES H. FREEMAN